

Remarks

Claims 1-65 are pending in the present application. Claims 39 and 46-65 have been withdrawn from consideration.

Applicant acknowledges that the Examiner has indicated that claims 15, 18, 19, 25, 37, 41 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner has rejected claims 1-6, 20, 21, 27, 32, 33, 44 and 45 under 35 USC 102(b) as being anticipated by US Patent 5,590,624 to Edmond et al. (hereinafter Edmond). It is respectfully submitted that independent claims 1, 27, 32 and 44, distinguish over Edmond. More particularly, each of the independent claims require that the diverting surfaces be disposed at an angle to the axis of the fan so as to closely match the natural discharge angle of the fan. Edmond discloses no such structure. In Edmond the fan 48 is an axial or mixed flow fan and the diffuser 65 and noise barrier 46 serve to impart a radial velocity to the air discharging from the fan (see column 3, lines 30-67). Accordingly, the diverting surfaces of Edmond are not disposed at an angle to the fan axis that closely matches the natural discharge angle of the fan as claimed. The Examiner asserts that "the flow lines shown at the exit of the fan comprised of portions 48, 63, 65 are understood to be descriptive of the discharge angle of the composite fan absent any evidence to the contrary, and that the angle of the diverter plate 'closely matches' this angle to the breadth actually claimed." However, it is submitted that the flow lines shown in the figures of Edmond show the actual path of air being discharged from the vehicle after it has had a radial component created by the noise barrier 46 not the natural discharge angle of the fan. The "evidence to the contrary" required by the Examiner is found in the specification of Edmond where, at column 3, lines 63-67 Edmond specifically teaches that "the diffuser and noise barrier are configured to change the direction of cooling air flow from axial to radial". Further, at column 4, lines 32-35 of Edmond it is stated that "To impart a radial velocity component to the flow of air exiting fan 48, noise barrier 46 includes a peripheral portion 90 that extends radially outward and axially aft of flange 86." Thus despite the flow lines shown in the

drawings, the disclosure of Edmond clearly indicates that the flow of air exiting the fan is being changed from a naturally axial angle to a radial angle by the noise barrier 46. It is further submitted that the diffuser 65 of Edmond is not a part of the fan and is included specifically for the purpose helping, along with the noise barrier 46, to change the axial fan discharge to a radial discharge. At column 4, lines 8-14 Edmond discloses that the diffuser 65 mounts on a fan to impart both an axial and radial velocity component. It is therefore submitted that claims 1, 27, 32 and 44 as well as the claims that depend therefrom are patentably distinct from Edmond.

The Examiner has also rejected claims 27, 29 and 31 under 35 USC 102(e) as being anticipated by US Published Patent Application 2003/0136544 to Albright et al. (hereinafter Albright). The Examiner's clarification of the rejection under 35 USC 102 with respect to Albright is appreciated, however, to the extent that the rejection is understood, it is submitted that independent claim 27 still distinguishes over Albright. Claim 27 requires that the diverting surface of the fan shroud extends from the circumferential wall opposite the main body portion as illustrated in Fig. 5 of the present application which clearly shows that the main body 24 of the shroud 16 extends from one side of the circumferential wall 30 while the diverting surface 32 extends from the circumferential wall 30 so that it is opposite to the main body 24. Applicant maintains that this is not the case in Albright as shown in Fig. 9. In Albright the main body 66, 69, as defined by the Examiner, is simply not opposite the diverting surface as claimed. It is therefore submitted that claim 27 as well as the claims that depend therefrom are patentably distinct from Albright.

The Examiner has also rejected claims 7 - 14, 16, 17, 22 - 24, 26, 28, 30, 34 - 36, 38, 40 and 43 under 35 USC 103(a) as being unpatentable over Edmond or Albright in view of various references. For the reasons set forth above with respect to the independent claims and the Edmond and Albright references it is submitted that claims 7 - 14, 16, 17, 22 - 24, 26, 28, 30, 34 - 36, 38, 40 and 43 are also in condition for allowance.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

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Should the Examiner believe that a telephonic conference would be useful in furthering the present application toward allowance, the undersigned attorney would welcome such a call.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525.

Respectfully,

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